

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8074 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No.

2. To be referred to the Reporter or not? No. @

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3. Whether Their Lordships wish to see the fair copy of the judgement? No.

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No.

5. Whether it is to be circulated to the Civil Judge? No.

JESHINGBHAI RAISINGBHAI

Versus

STATE OF GUJARAT

Appearance:

MR PM BHATT for Petitioners

MS HARSHA DEVANI, AGP for Respondents.

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 23/04/99

ORAL JUDGEMENT

The learned counsel for the petitioners prays for a direction to the Collector, Vadodara to decide the amount of premium forthwith for converting the land in question from new tenure into old tenure for which the petitioners have moved an application No.99/93.

2. On earlier occasion, this Court by the order dated 6-10-98 directed the respondents to decide the aforesaid pending application of the petitioner within two weeks. That order was challenged in Letters Patent Appeal before the Division Bench and the matter was carried before the Supreme Court and the Supreme Court held that there is delay of 508 days for which no satisfactory explanation was given. Even the Letters Patent Appeal was withdrawn for which also no explanation was given nor any action has been taken. The Letters Patent Appeal was accordingly withdrawn and the Special Civil Application as dismissed by the order dated 30th March, 1999. In the Letters Patent Appeal filed against the order dated 6-10-1998, the Division Bench directed by the order dated 3-3-1999, as under :

"In the facts and circumstances of the case, when no formal notice was ordered and no rule was issued and the petition was disposed of by the learned Single Judge on the same day, it would be in the interest of justice if the order passed by the learned Single Judge is set aside and the matter is remanded to the learned Single Judge for passing an appropriate order in accordance with law."

3. After issuing rule returnable on 15-4-1999, heard the learned counsel for the parties.

4. Learned counsel for the petitioner states that the application of the petitioners has not yet been decided by the concerned authority and requested to direct the authority concerned to decide the same within a fortnight. The application of the petitioners is pending from 1993 and the Collector has not taken any decision on the said application regarding fixing the amount of premium. In the facts and circumstances of the case, it is desired that the Collector should be directed to decide the application of the petitioners within two weeks.

5. Accordingly, this petition is disposed of finally with a direction to the Collector to decide the petitioners' application within two weeks from the date of production of a certified copy of this order along with the copy of the application dated 9-9-93. Rule is made absolute to the aforesaid extent, with no order as to costs.

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/JVSatwara/